

1 AN ACT concerning health care facilities.

2 Be it enacted by the People of the State of Illinois,  
3 represented in the General Assembly:

4 Section 1. Short title. This Act may be cited as the  
5 Interference with Access to Health Care Facilities Act.

6 Section 5. Cause of action. Any person who, with the  
7 intent to prevent another person from entering or exiting a  
8 health care facility, violates Section 10-3, 10-3.1, 12-2, or  
9 12-6 of the Criminal Code of 1961 or commits the offense of  
10 unlawful interference with access to health care under the  
11 Criminal Code of 1961 is liable to any person aggrieved by  
12 that conduct, including but not limited to the owners,  
13 employees, officers, or agents of the health care facility,  
14 as well as to any person whose lawful efforts to enter or  
15 leave the facility are obstructed, impeded, or hindered.

16 Section 10. Damages; injunctive relief; costs. The  
17 aggrieved person may bring a civil action under this Act and  
18 obtain the greater of actual damages or liquidated damages,  
19 injunctive relief, and reasonable attorney's fees and costs.

20 Section 15. Definitions. As used in this Act:

21 (1) "Actual damages" shall be treble the amount of  
22 damages proved by the plaintiff. Proof of actual damages may  
23 include evidence of pain, suffering, and emotional distress.

24 (2) "Liquidated damages" shall be \$5,000.

25 (3) "Injunctive relief" may include, but is not limited  
26 to: (i) the imposition of a buffer zone of no more than 50  
27 feet around the health care facility in which individuals  
28 shall be prohibited from congregating, picketing, patrolling,  
29 demonstrating, or entering with the intent to obstruct access

1 to the clinic, block vehicular traffic, or otherwise  
2 unlawfully interfere with the clinic's operation; and (ii)  
3 the imposition of a noise restriction in which individuals  
4 shall be prohibited from singing, chanting, whistling,  
5 shouting, or using bullhorns, sound amplification equipment,  
6 or making or causing other sounds within hearing of patients  
7 inside the clinic with the intent to unlawfully interfere  
8 with the clinic's operation.

9 Section 900. The Criminal Code of 1961 is amended by  
10 adding Article 21.4 as follows:

11 (720 ILCS 5/Article 21.4 heading new)

12 ARTICLE 21.4. INTERFERENCE WITH ACCESS TO HEALTH CARE

13 (720 ILCS 5/21.4-1 new)

14 Sec. 21.4-1. Unlawful interference with access to health  
15 care. A person commits the offense of unlawful interference  
16 with access to health care when he or she intentionally  
17 prevents or attempts to prevent an individual from entering  
18 or exiting a health care facility by physically detaining the  
19 individual or physically obstructing, hindering, or impeding  
20 the individual's passage.

21 (720 ILCS 5/21.4-2 new)

22 Sec. 21.4-2. Definition. As used in this Article,  
23 "health care facility" means a private or public facility  
24 that provides health care services directly to any person,  
25 including but not limited to, a hospital, clinic, licensed  
26 health practitioner's office, health maintenance  
27 organization, or diagnostic or treatment center.

28 (720 ILCS 5/21.4-3 new)

29 Sec. 21.4-3. Penalty. Unlawful interference with access

1 to health care is a Class A misdemeanor.

2 (720 ILCS 5/21.4-4 new)

3 Sec. 21.4-4. Exemptions. This Article does not prohibit  
4 any of the following:

5 (1) Lawful conduct protected by the First Amendment to  
6 the United States Constitution or by Section 4 or 5 of  
7 Article I of the Illinois Constitution.

8 (2) Lawful conduct by an officer, employee, or agent of  
9 the health care facility.

10 (3) Lawful conduct by a peace officer while performing  
11 his or her official duties.

12 (4) Lawful conduct by a party to a labor dispute in  
13 furtherance of labor or management objectives in that  
14 dispute.